



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 11 OF 2010**

BEING A BY-LAW TO REGULATE THE MAITLAND CEMETERY

WHEREAS the Corporation of the Town of Goderich has previously appropriated certain lands lying outside the original limits of the Town of Goderich for a public cemetery and designated the cemetery as "Maitland Cemetery".

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. In this by-law,
 - 1.1 "Act" refers to the Cemeteries Act (Revised), R.S.O. 1990, Chapter C.4 of the Revised Statutes of Ontario 1990;
 - 1.2 "Burial site" means land containing human remains that has not been approved or consented to as a cemetery in accordance with this Act or a predecessor of this Act;
 - 1.3 "By-laws" when used in relation to a cemetery, means the Rules under which a cemetery or crematorium is operated;
 - 1.4 "Cemetery" means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains;
 - 1.5 "Cemetery services" means,
 - a) in respect of a lot,
 - 1) opening and closing of a grave,
 - 2) interring or disinterring human remains,
 - 3) providing temporary storage in a receiving vault,
 - 4) construction of a foundation for a marker,
 - 5) setting of corner posts,
 - 6) providing,
 - a tent or canopy,
 - carrying and lowering devices, and
 - ground cover,for an interment service, and
 - 7) preparing flower beds and planting flowers and shrubs,
 - b) in respect of a crypt or compartment in a mausoleum,
 - 1) opening, closing and sealing of the crypt or compartment,
 - 2) providing temporary storage in a vault or crypt,
 - 3) providing a tent or canopy for an interment service, and
 - 4) providing elevating devices,

- c) in respect of a niche or compartment in a columbarium,
 - 1) opening, closing and sealing of the niche or compartment, and
 - 2) providing a tent or canopy for an interment service,
 - d) in respect of a crematorium, all services provided by the owner of the crematorium at the crematorium, and,
 - e) in respect of a cemetery, such other services as are provided by the owner of the cemetery at the cemetery;
- 1.6 "Cemetery supplies" includes interment vaults, markers, flowers, liners, urns, shrubs and artificial wreaths and other articles intended to be placed in a cemetery;
- 1.7 "Columbarium" means a structure designed for the purpose of interring cremated human remains in sealed compartments. A compartment is referred to as a niche and can hold up to two cremated remains;
- 1.8 "Human remains" means a dead human body and includes a cremated human body;
- 1.9 "Income" means the interest or money earned, including the compounding thereof, by the investment of funds;
- 1.10 "Inter" means the burial of human remains and includes the placing of human remains in a lot;
- 1.11 "Interment rights" includes the right to require or direct the interment of human remains in a lot;
- 1.12 "Interment rights holder" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the *Cemeteries Act*, being Chapter C.4 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act;
- 1.13 "Land registry office" means the land registry office or the land titles office in the area in which a cemetery is located;
- 1.14 "Lot" means an area of land in a cemetery containing, or set aside to contain, and does not include a columbarium. A regular lot size is normally 4' x 12', and Urn Garden is 2' x 2' and a Niche is a 13" square;
- 1.15 "Marker" means any monument, tombstone, plaque, headstone, cornerstone, or other structure or ornament affixed to or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains;
- 1.16 "Mausoleum" means a building or structure, other than a columbarium, used as a place for the interment of the human remains in sealed crypts or compartments;
- 1.17 "Minister" means the Minister of Consumer and Commercial Relations;
- 1.18 "Municipality" means the corporation or other entity having municipal jurisdiction in the area in which a cemetery is located and includes a police village, city, town, village, township or improvement district or the council thereof;
- 1.19 "Owner" means an owner of a cemetery or a crematorium;
- 1.20 "Plot" means two or more lots in which the rights to inter have been sold as a unit;
- 1.21 "Pre-need supplies or services" means cemetery supplies or services that are not required to be provided until the death of a person alive at the time the arrangements

are made;

- 1.22 "Prescribed" means prescribed by the regulations made under this Act;
 - 1.23 "Registrar" means the Registrar appointed under this Act;
 - 1.24 "Tribunal" means The Commercial Registration Appeal Tribunal;
 - 1.25 "Trust fund" means a trust fund established for the purpose of this Act;
 - 1.26 "Secretary" refers to the Clerk-Administrator of the Town of Goderich;
 - 1.27 "Council" means the Council of the Corporation of the Town of Goderich;
 - 1.28 "Board" refers to the Maitland Cemetery Board appointed by the Council from time to time;
 - 1.29 "Resident" means an individual owning land within the Town of Goderich, or living within the Town of Goderich limits, or a former resident under nursing care;
 - 1.30 "Non-Resident" means an individual not owning land within the Town of Goderich, or not living within the Town of Goderich limits.
 - 1.31 "Treasurer" refers to the Treasurer of the Town of Goderich.
2. The Council, with respect to the cemetery known as Maitland Cemetery, shall make rules and regulations for the proper government and maintenance thereof.
 3.
 - a) The Treasurer shall collect all monies payable under this by-law.
 - b) All lots for which interment rights have been sold shall be under maintenance and care and the disposition of all monies received by the Treasurer from the sale of interment rights shall be as allowed by the Cemeteries Act.
 - c) Every person installing a marker shall pay an amount as prescribed by regulations which will be paid into the maintenance and care fund.
 4. All income from the monies received for maintenance and care, whether invested or on deposit in a chartered bank, together with all other income from whatever source, shall be used for the ordinary expense of maintenance and improvement of the cemetery and markers.
 5. Schedule A, "Rules and Regulations of the Maitland Cemetery" shall form part of this by-law.
 6. Tariffs and Charges to be charged as per the Town of Goderich Consolidated Fee By-Law.
 7. This By-law shall be subject to the approval of the Registrar.
 8. That By-law 99 of 2006 and any other By-Laws and motions inconsistent with the provisions hereof are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF JANUARY, 2010.

MAYOR, Deb Shewfelt

CLERK, Larry J. McCabe

SCHEDULE A
RULES AND REGULATIONS OF THE MAITLAND CEMETERY

**SECTION 1
RULES OF CEMETERY MANAGEMENT**

- a) Maitland Cemetery shall be governed by the Council.
- b) It shall be the duty of the Council to carry out the rules and regulations and conduct the business of the cemetery.
- c) The Council shall designate an employee(s) who shall be in direct charge of the management and keep records of all lots, graves and burials of the cemetery.
- d) It shall be the duty of the employee(s) to supervise all work in connection with the cemetery, to render to the Treasurer each month an account of all lots sold, interments, etc. and all other data necessary for his/her records and to be present or have his/her assistant present at all funerals and all such funerals or other members of the public at large upon entering the cemetery, shall be subject to his/her control.

**SECTION 2
RULES FOR INTERMENT RIGHTS HOLDERS**

- a) These rules are for the purpose of establishing a uniform and economic basis under which management can care for the cemetery and work in the interests of the interment rights holders is hereby requested.
- b) The Council reserves the right to accept money from the interment rights holders, relative or any party for the maintenance and care of a plot and/or marker.
- c) The Parks Staff are the only parties who shall plant trees or shrubs and remove any sod or in any way change the surface of any lot in the cemetery.
- d) Flowers or other objects placed on a lot may be removed by the Parks Staff after a reasonable time to maintain a neat appearance of the cemetery.
- e) On lots where there are no markers, a space for flower beds can be arranged by the Parks Staff upon request and the size and location will be at their direction.
- f) No enclosures of iron, wire, concrete or other materials shall be permitted on any lot, and any such enclosures now existing may be removed if the Council considers it necessary for the improvement of the cemetery, after 30 days notice to the interment right holder.
- g) No interment rights holder shall cause any objects such as benches, flower urns, trellises, wood or metal stands or other objects that will interfere with the working of the mowers, etc., to be placed on the lot, except from November 1st until the following April 15th. Metal holders or objects not removed by the latter date shall be subject to removal and disposal by the Parks Staff.
- h) Decisions, pursuant to Council policy, shall be made by the Secretary.

**SECTION 3
SALE OF INTERMENT RIGHTS**

- a) Interment rights for burial purposes shall be sold according to the existing plan of the cemetery and to future plans as new sections are opened, at the scale of prices as set forth in the Tariff of Charges.
- b) The Council, on payment of the sale price of interment rights, shall issue a Certificate of Interment, and the Treasurer or Secretary shall execute the same and cause the seal of the Corporation to be thereto affixed.
- c) Each purchaser of interment rights shall abide by all existing rules of the cemetery.
- d) The purchaser of interment rights acquires only the right and privilege of burying human remains and erecting suitable memorials subject to the rules and regulations of the cemetery.
- e) Interment rights will be repurchased by the Board pursuant to the rules of the Cemeteries Act.
- f) Sales of interment rights shall be subject to a contract.

**SECTION 4
TRANSFERS**

- a) Should an interment rights holder desire to transfer his/her interment rights, he/she shall register with the Secretary the name and address of the party to whom the transfer shall be made, provide proof of ownership or authority for transfer, return the Certificate of Interment Rights and pay a sum as set forth in the Tariff and Charges for this service.
- b) No transfer shall be made of any interment rights against which charges appear unpaid.

**SECTION 5
INTERMENTS**

- a) Whenever an interment is to be made, notice thereof shall be given to the employee(s) so designated and a written order therefore issued by the interment rights holder or his/her representative, at least twenty-four hours previous thereto, giving all particulars as to location and size of case.
- b) No interment or disinterment shall be made without the appropriate certificate being first produced and is subject to the Cemeteries Act.
- c) A burial permit and Certificate of Interment Rights must be presented to the designated employee(s) in attendance at the lot before an interment will be permitted.
- d) No interment shall take place in any lot against which unpaid charges appear.
- e) No person other than the designated employee(s) shall open any lot for the purpose of burial or removal of a body.
- f) Sunday and Holiday burials shall be allowed subject to the Tariff and Charges, established from time to time by the Council.
- g) The Council assumes no responsibility for damages, should a lot be opened in a wrong location due to wrong or insufficient information, and any extra expense in connection with an error of this kind shall be paid by the parties ordering the interment.

- h) All burials shall be arranged to arrive at the cemetery not later than 4 p.m. in order that the burial may be completed within the regular hours of work. Burials may take place outside these hours subject to the Tariffs and Charges.
- i)
 - 1) Up to six (6) cremated remains are allowed per lot or;
 - 2) If there is one casket burial in a lot, up to four (4) cremated remains may be buried in the same lot, to be located near the head of the grave or;
 - 3) Up to two (2) cremated remains are allowed in the columbarium compartment (niche) or;
 - 4) Up to two (2) cremated remains shall be allowed in a urn garden lot or;
 - 5) One casket burial lot or one (1) cremated lot shall be allowed in a baby land lot

All of the above shall apply unless otherwise approved by motion of Council.
- j) Interments will be made until weather no longer permits as determined by the Secretary and other staff.

**SECTION 6
CARE OF LOTS**

- a) All lots in the cemetery shall be cared for by the Parks Staff, said care to include the mowing of grass, clipping around monuments, seeding when necessary, and refilling sunken graves.
- b) All lots shall be marked with granite, marble or natural stone corner markers.

**SECTION 7
RULES FOR VISITORS**

- a) Maitland Cemetery is sacredly devoted to the burial of the dead and the provisions and penalties of the law will be strictly enforced in all cases of disturbance, wanton injury to property, disregard of the rules or conduct unbecoming to a cemetery.
- b) All visitors shall conduct themselves in a quiet, orderly manner and shall not disturb any service being held, by noise or other disturbances.
- c) Vehicles shall travel through the cemetery by way of the roads and paths only, and shall not walk or drive over the burial lots of others.
- d) Children under twelve years of age must be accompanied by an adult who shall maintain close contact with them, and shall be responsible for their actions.
- e) No person shall remove any flower plant container or other object from a cemetery lot without first receiving the permission of the Parks Staff to do so, nor shall they move any flower container or other object from one lot to another without permission.
- f) The carrying of firearms or discharging of the same within any cemetery grounds, except where used for the firing of volleys at a burial, is prohibited.
- g) No picnic party or other large assembly will be permitted in the grounds other than a funeral or Memorial Service.
- h) When a society or association desires to hold a Memorial Service, they shall make

application to do so to the Secretary at least fifteen days previous to the desired date. The association or society securing this permission shall assume responsibility for any damages done to any property in the cemetery at that time.

- i) All persons are prohibited from picking any flowers, either wild or cultivated, or breaking any tree, shrub or plant.
- j) All persons are prohibited from writing upon, defacing or injuring any monument, fence or other structure in or belonging to the cemetery.
- k) No dog or other animal shall be permitted to run at large in the cemetery.

SECTION 8 RULES FOR MOTOR VEHICLES

- a) The Council reserves the right to close the roads to the cemetery at any time to vehicular traffic.
- b) The drivers of all vehicles entering the cemetery shall obey the instructions of the Staff, and shall keep to the route allotted to them. They shall not attempt to turn around on any roadway or pass another moving vehicle and shall not exceed a speed limit of 15 km per hour.
- c) Vehicles forming part of a funeral procession shall take the route allotted to that funeral and shall move in unison with the undertaker in charge of the funeral.
- d) The drivers of all vehicles shall remain in close proximity thereto at all times, and shall not block the roads.
- e) The cemetery may be visited each day from sunrise to sunset.
- f) No snowmobiles, motorcycles or all-terrain vehicles are allowed within burial area of the cemetery unless approved by the Parks Staff.

SECTION 9 RULES FOR WORKERS

- a) All workmen entering the cemetery shall be under the jurisdiction of a designated employee(s) and shall observe their instructions and plan their work under his/her approval.
- b) No work shall be started which cannot be completed by Friday at the usual hour for labour to cease. All material shall be left as directed by the designated employee(s) and all debris disposed of according to his/her instructions.
- c) Any workmen disregarding the rules of the cemetery shall be liable to ejection by the designated employee(s) and may be denied re-admittance at his/her discretion and shall be subject to disciplinary action.
- d) All work in close proximity to a burial shall cease during all services or at any other time when requested.
- e) All workers shall be suitably attired.

**SECTION 10
MONUMENTS, ETC.**

1. Interment rights holders may erect memorials of suitable design on the lots, subject to the following regulations:
 - a) That there shall be only one monument erected on each lot and all lettering shall face on the lot to which the monument belongs, but in addition one marker may be placed at each lot.
 - b) All monuments shall be set on a concrete foundation extending three inches beyond the bottom base of the monument which shall be constructed by the Parks employees and paid for by the party ordering the work at the price set forth in the Tariff and Charges.
 - c) A monument shall be deemed to be any structure of granite or marble above the surface of the ground.
 - d) All monuments or markers must be either of granite, marble, bronze, or other natural stone, except on application to and by special permission of the Board. No wooden materials or other monuments which normally deteriorate faster than natural stone shall be allowed.
 - e) Markers shall not exceed 25 inches by 18 inches on the surface and must be placed level with the ground. The Council assumes no responsibility unless placed on a concrete foundation of the type approved by the Council.
 - f) A monument shall not be erected on any lot until all charges have been paid.
 - g) Monuments, etc., shall be maintained by the Council. The Council reserves the right to adjust, straighten, repair, etc., or remove any monuments, markers, etc. as allowed by the *Cemeteries Act*.
 - h) In the Urn Garden, only flat markers 12 inches by 20 inches to be embedded flush with the ground (no concrete base) and made of pink Laurentian granite are allowed.
 - i) On the Town Columbarium only 11" x 8" wreath niche plates from Nelson Bronze Ltd., are allowed to be placed. The interment right holder shall purchase the niche plate directly from Nelson Bronze and the cemetery workers shall make the installation.